

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN T. GRESHAM REVOCABLE)	
TRUST, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-14-239-D
)	
STATE AUTO PROPERTY AND)	(Oklahoma County District Court
CASUALTY COMPANY,)	Case No. CJ-2014-98)
)	
Defendant.)	

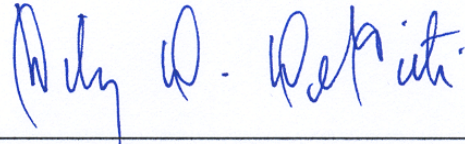
ORDER OF REMAND

Upon examination of the Amended Notice of Removal [Doc. No. 8], the Court finds that Defendant State Auto Property and Casualty Insurance Company has failed to cure the deficiency in its original Notice of Removal, as directed by the Order of March 14, 2014. Defendant again fails to present sufficient factual allegations to establish subject matter jurisdiction under 28 U.S.C. § 1332. The sole allegations regarding the citizenship of Plaintiff John T. Gresham Revocable Trust are its state of formation and its “principal location.” *See* Am. Notice [Doc. No. 8], ¶ 5. These facts may be relevant to the citizenship of a corporation under 28 U.S.C. § 1332(c)(1), but they fail to establish the citizenship of a trust. *See* Order of March 14, 2014 [Doc. No. 7].

Because the Amended Notice of Removal fails to allege a basis for federal jurisdiction, the case must be remanded to the state court from which it was removed. *See Laughlin v. Kmart Corp.*, 50 F.3d 871, 873 (10th Cir. 1995) (“there is a presumption against removal jurisdiction” and remand is required if the removing party fails to allege facts to support diversity jurisdiction).

IT IS THEREFORE ORDERED that the case is REMANDED to the District Court of Oklahoma County, Oklahoma.

IT IS SO ORDERED this 26th day of March, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE